

LAWRENCE G. BROWN
United States Attorney
SAMUEL WONG
Assistant U.S. Attorney
501 I Street, Suite 10-100
Sacramento, California 95814
Telephone: (916) 554-2772

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. 2:CR-02-519 FCD
)	
Plaintiff,)	STIPULATION AND ORDER CONTINUING
)	STATUS CONFERENCE DATE AND
v.)	EXCLUDING TIME UNDER THE SPEEDY
)	TRIAL ACT
JOSE SANCHEZ,)	
)	Date: November 2, 2009
Defendant.)	Time: 10:00 a.m.
)	Court: Hon. Frank C. Damrell,
)	Jr.

It is hereby stipulated and agreed by and between plaintiff United States of America, on the one hand, and defendant Jose Sanchez, aka Juan Madrigal and Miguel Mejia Ayala, on the other hand, through their respective attorneys, that: (1) the status conference scheduled for November 2, 2009, at 10:00 a.m., shall be continued to December 14, 2009 at 10:00 a.m.; and (2) time from the date of this stipulation through, and including, the date of the status conference on December 14, 2009, shall be excluded from computation of time within which the trial of this matter must be commenced under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(ii) and (iv) and Local Codes T2 and T4.

1 The parties note that defendant Jose Sanchez is the same
2 person charged as defendant Juan Madrigal in related case United
3 States v. Juan Madrigal, et al., Case No. CRS-09-401 FCD. In
4 addition, in the instant case, it is anticipated that the United
5 States will be producing fairly voluminous discovery within a
6 week in Case No. 02-519 FCD to defense counsel, who will need
7 time to review the discovery. Defendant has been interviewed in
8 a recorded session in the Spanish language and that interview
9 must translated to the English language. There will be
10 significant discovery to be reviewed by the defense counsel and
11 translated through an English/Spanish interpreter for this
12 defendant who speaks primarily Spanish.

13 Furthermore, Gilbert Roque, Esq., counsel for Juan Madrigal
14 has been assigned to represent his client in both the instant
15 case and related Case No. CRS 09-401 FCD. In the latter case,
16 there is additional significant discovery that Mr. Roque will
17 need to review in order to defend his client's interests. Again,
18 there will be significant discovery to be reviewed and translated
19 through an English/Spanish interpreter for Mr. Roque's Spanish-
20 speaking client.

21 Once Mr. Roque has reviewed the discovery in both cases with
22 his client, the defense would like time to conduct its own
23 investigation.

24 Based on these facts, the parties stipulate and agree that
25 the case is unusual and complex and it is unreasonable to expect
26 adequate preparation for pretrial proceedings and trial itself
27 within the time limits established in § 3161. In addition, the
28 parties stipulate and agree that the continuance requested herein

1 is necessary to provide defense counsel reasonable time to
2 prepare his client's defenses taking into account due diligence.

3 Dated: October 29, 2009

/s/ Gilbert Roque

4 _____
GILBERT ROQUE
Attorney for Defendant
5 Juan Madrigal
6 (per authorization via
Virginia Roque)

7 Dated: October 29, 2009

LAWRENCE G. BROWN
UNITED STATES ATTORNEY

9 /s/ Samuel Wong

10 By: _____

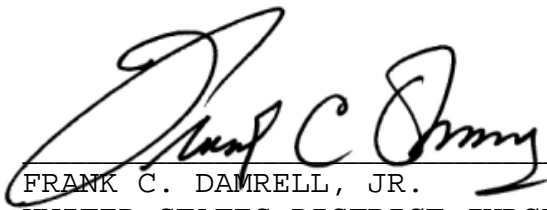
SAMUEL WONG
Assistant U.S. Attorney

ORDER

The Court, having received, read, and considered the stipulation of the parties, and good cause appearing therefrom, adopts the stipulation of the parties in its entirety as its order. Based on the stipulation of the parties and the recitation of facts contained therein, the Court finds that this case is unusual and complex and that it is unreasonable to expect adequate preparation for pretrial proceedings and trial itself within the time limits established in 18 U.S.C. § 3161. The Court specifically finds that the failure to grant a continuance in this case would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court finds that the ends of justice to be served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial.

The Court orders that the time from the date of the parties' stipulation, October 29, 2009, to and including the date of the next status conference, December 14, 2009, shall be excluded from computation of time within which the trial of this case must be commenced under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(ii) and (iv), and Local Codes T2 (unusual and complex case) and T4 (reasonable time for defense counsel to prepare). It is further ordered that the November 2, 2009, status conference shall be continued until December 14, 2009, at 10:00 a.m.

Dated: October 29, 2009


FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE